

REMARKS

The Applicants respectfully request reconsideration of the present application.

In the above amendments, no claims have been amended, and new claims 20-26 have been added. Further, Fig. 1 has been amended to correct a reference number, and the specification has been amended to comport with the Fig. 1 corrections and to correct typographical errors in paragraphs 0018 and 0023. Therefore, after entry of the above amendments, claims 1-26 will be pending in this application. Applicants believe that the present application is now in condition for allowance, for which prompt and favorable action is respectfully requested.

Objection to the Drawings

The Examiner has objected to the drawings because reference characters “108” and “228” have both been used to designate “selection logic.” As can be seen in the attached Replacement Sheet, the Applicants have amended Fig. 1 of the drawings to replace reference number “108” with – 228 –. Correspondingly, the Applicants have amended the specification at paragraphs 0022 and 0023 to replace “108” with – 228 – with respect to “selection logic.” Thus, the drawings and specification now utilize a single reference number to refer to “selection logic,” and therefore the Applicants respectfully request the Examiner to withdraw the objection to the drawings.

Rejection of claims 1-19 under 35 USC § 102(e)

The Examiner has rejected claims 1-19 under 35 USC § 102(e) as being anticipated by US Patent No. 6,925,570 to Freeman et al. (Freeman). The Applicants respectfully traverse this

rejection, as Freeman does not disclose or even suggest the recited method, apparatus and computer-readable media.

In particular, Freeman does not disclose or suggest a method, apparatus or computer-readable media for selectively enabling operating modes of a device, comprising, at least, a method *enabling both* the privileged mode and the non-privileged mode if it is determined that the device *is to operate in both modes*, or an apparatus comprising selection logic that *enables both* the privileged and non-privileged modes, or computer-readable media comprising instructions for *enabling both* the privileged and non-privileged modes. In contrast, Freeman discloses only enabling a single operating mode. Freeman is concerned with preventing hardware devices from being connected to a computer system and compromising sensitive information.¹ More specifically, Freeman is concerned with preventing an In Circuit Emulator (ICE), which is typically able to defeat code and gain access to a system transparent to the software operating on a PC, from being used to access sensitive information on a computer system.² To prevent an ICE from accessing secure information, Freeman discloses that NVRAM 106 is written with data that indicates a secure programming mode.³ Upon power up or reset, boot block code 111 reads the secure programming mode data and correspondingly writes data to a special “sticky” latch, or S-latch 107, which in turn sets the state of processor 103 to *either* a secure programming mode *or* a non-secure programming mode.⁴ As such, when in the secure programming mode, processor 103 of Freeman will not accept commands from an ICE unit.⁵ Based on the teaching of Freeman, the computer system has one setting to enable a secure mode of operation and a different setting to enable a non-secure mode of operation. Thus, Freeman

¹ US Patent No. 6,925,570 to Freeman et al., col. 1, lines 5-10.

² *Id.* at col. 1, lines 13-46.

³ *Id.* at col. 3, lines 59-62.

⁴ *Id.* at col. 3, lines 32-43 and col. 3, line 62 to col. 4, line 4.

⁵ *Id.* at col. 3, line 62 to col. 4, line 4.

does not disclose or suggest *enabling both* a privileged mode and a non-privileged mode of operation, as recited by the present claims.

Additionally, Freeman does not provide any motivation or suggestion for *enabling both* a privileged mode and a non-privileged mode, as recited by the present claims.

Thus, based on these remarks, the Applicants respectfully request the Examiner to withdraw the rejection of claims 1-19 under 35 USC § 102(e) as being anticipated by Freeman.

New Claims 20-26

The Applicants have added new claims 20-26 to recite subject matter to which they are entitled. These new claims are fully supported throughout the specification. Further, these new claims do not raise any new issues as they merely incorporate, or further define, aspects of previously-claimed subject matter. Additionally, new claims 20-26 are allowable, as they are not disclosed or suggested by Freeman.

In particular, independent claim 20 recites a method for selectively enabling operating modes of a device, comprising: determining during a device initialization whether the device is to operate in at least one of a privileged mode and a combined privileged and non-privileged mode; and enabling the combined privileged and non-privileged mode for each determination that the device is to operate in the combined privileged and non-privileged mode.

Further, independent claim 24 recites an apparatus comprising: a selectable one of a plurality of operating modes, the plurality of operating modes comprising at least a privileged operating mode and a combined privileged and non-privileged operating mode; a memory comprising a flag having at least two settings, wherein one predetermined setting of the at least two settings corresponds to the combined privileged and non-privileged operating mode; and selection logic communicatively coupled with the memory and operable to read the flag to set an

operating mode of the apparatus, wherein the selection logic is operable to enable the combined privileged and non-privileged mode on the apparatus based on reading the one predetermined setting of the at least two settings.

In contrast to the combined privileged and non-privileged mode, as recited by these claims, Freeman only discloses a secure mode separate from a non-secure mode. Further, Freeman does not provide any motivation or suggestion to provide a combined privileged and non-privileged mode, as recited by these claims. Thus, claims 20 and 24 are allowable over Freeman.

Claims 21-23 and 25-26 respectively depend from claims 20 and 24, and thus are allowable for the same reasons. Further, each of these claims separately recites subject matter that is not disclosed or suggested by Freeman. Thus, claims 21-23 and 25-26 are allowable over Freeman.

CONCLUSION

In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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